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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2004-253

13 PATRICK PAUL BAKER
1033 West Eighth Street
14 Corona, CA 92882

**DEFAULT DECISION
AND ORDER**

15 Registered Nursing License No. 564497

[Gov. Code, §11520]

16 Respondent.
17

18 FINDINGS OF FACT

19 1. On or about March 22, 2004, Complainant Ruth Ann Terry, M.P.H., R.N., in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs, filed Accusation No. 2004-253 against Patrick Paul Baker (Respondent)
22 before the Board of Registered Nursing.

23 2. On or about March 2, 2000, the Board of Registered Nursing (Board) issued
24 Registered Nursing License No. 564497 to Respondent. The Registered Nursing license expired
25 on January 31, 2004, and has not been renewed.

26 3. On or about March 29, 2004, Tess Bautista, an employee of the Department of
27 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2004-253,
28 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is 1033 West Eighth Street, Corona, CA 92882. The Accusation, the related
3 documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by
4 reference.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c).

7 5. On or about April 26, 2004, the aforementioned documents were returned by the
8 U.S. Postal Service marked "Unable to Forward - Return to Sender." The postal returned
9 documents are attached hereto as exhibit B, and are incorporated herein by reference.

10 6. Business and Professions Code section 118 states, in pertinent part:

11 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
12 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
13 order of a court of law, or its surrender without the written consent of the board, shall not, during
14 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
15 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
16 provided by law or to enter an order suspending or revoking the license or otherwise taking
17 disciplinary action against the license on any such ground."

18 7. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent is in default. The Board will take action without further hearing and, based on
20 Respondent's express admissions by way of default and the evidence before it, contained in
21 exhibits A and B finds that the allegations in Accusation No. 2004-253 are true.

22 8. The total costs for investigation and enforcement are \$14,329.00 through April 26,
23 2004.

24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Patrick Paul Baker has
26 subjected his Registered Nursing License No. 564497 to discipline.

27 2. A copy of the Accusation and the related documents and Declaration of Service
28 are attached.

- 1 3. The agency has jurisdiction to adjudicate this case by default.
- 2 4. The Board of Registered Nursing is authorized to revoke Respondent's Registered
- 3 Nursing License based upon the following violations alleged in the Accusation:
- 4 a. Business & Professions Code section 2761(a) and 2762(a) for illegally obtaining
- 5 and possessing a controlled substance;
- 6 b. Business & Professions Code section 2761(a) and 2762(e) for making false or
- 7 grossly inconsistent record entries;
- 8 c. Business & Professions Code section 2761(a) and 2762(b) for illegal use of a
- 9 controlled substance.

10 ORDER

11 IT IS SO ORDERED that Registered Nursing License No. 564497, heretofore issued to

12 Respondent Patrick Paul Baker, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a

14 written motion requesting that the Decision be vacated and stating the grounds relied on within

15 seven (7) days after service of the Decision on Respondent. The agency in its discretion may

16 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

17 This Decision shall become effective on August 20, 2004.

18 It is so ORDERED July 21, 2004

19 *Sandra L. Erickson*

20 _____
21 FOR THE BOARD OF REGISTERED NURSING
22 DEPARTMENT OF CONSUMER AFFAIRS

23 Attachments:

24 Exhibit A: Accusation No.2004-253, Related Documents, and Declaration of Service

25 Exhibit B: Postal Return Documents

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27

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Exhibit A

Accusation No. 2004-253,
Related Documents and Declaration of Service

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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2004-253

13 **PATRICK PAUL BAKER**
1033 West Eighth Street
14 Corona, CA 92882
15 **Registered Nurse License No. 564497**

ACCUSATION

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about March 2, 2000, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License Number 564497 to Patrick Paul Baker ("Respondent"). The license
24 expired on January 31, 2004, and has not been renewed.

25 **STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code ("Code") provides that the
27 Board may discipline any licensee, including a licensee holding a temporary or an inactive
28 license, for any reason provided in Article 3 (commencing with section 2750 of the Code) of the

1 Nursing Practice Act.

2 4. Section 2761, subdivision (a) of the Code provides, in pertinent part:

3 "The board may take disciplinary action against a certified or licensed nurse or deny an
4 application for a certificate or license for any of the following:

5 (a) Unprofessional conduct . . ."

6 5. Section 2762 of the Code provides, in pertinent part:

7 "In addition to other acts constituting unprofessional conduct within the meaning of this
8 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
9 chapter to do any of the following:

10 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
11 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
12 administer to another, any controlled substance as defined in Division 10 (commencing with
13 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
14 defined in Section 4022.

15 (b) Use any controlled substance. . .to an extent or in a manner dangerous
16 or injurious to himself or herself, any other person, or the public or to the extent that such use
17 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
18 license.

19 . . .

20 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
21 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
22 section."

23 6. Section 2764 of the Code provides that the expiration of a license shall not
24 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
25 to render a decision imposing discipline on the license.

26 7. Health and Safety Code section 11350, subdivision (a) provides:

27 "(a) Except as otherwise provided in this division, every person who possesses (1) any
28 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of

1 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
2 specified in subdivision (b), (c), or (g) of Section 11055, or (2) any controlled substance
3 classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription
4 of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be
5 punished by imprisonment in the state prison."

6 8. Section 125.3 of the Code provides that the Board may request the administrative
7 law judge to direct a licensee found to have committed a violation or violations of the licensing
8 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
9 case.

10 DRUGS

11 9. "Demerol" is a brand of meperidine hydrochloride, a derivative of pethidine, and
12 is a Schedule II controlled substance as designated by Health and Safety Code section 11055.
13 subdivision (c)(17).

14 FIRST CAUSE FOR DISCIPLINE

15 **(Obtaining and Possessing a Controlled Substance)**

16 10. Respondent's registered nurse license is subject to disciplinary action under
17 sections 2761, subdivision (a) and 2762, subdivision (a) of the Code, in that on or about March
18 19, 2002, while on-duty as a registered nurse at Pomona Valley Hospital Medical Center located
19 in Pomona, California, Respondent obtained and possessed Demerol without a prescription
20 therefor and without any other legal authority to do so, in violation of Health and Safety Code
21 section 11350, subdivision (a).

22 SECOND CAUSE FOR DISCIPLINE

23 **(False or Grossly Inconsistent Record Entries)**

24 11. Respondent is subject to disciplinary action under sections 2761, subdivision (a)
25 and 2762, subdivision (e) of the Code, in that while on duty as a registered nurse at Pomona
26 Valley Hospital Medical Center, located in Pomona, Respondent committed the following acts
27 involving false, grossly incorrect, or grossly inconsistent entries in a hospital, patient, or other
28 record pertaining to a controlled substance:

1 a. **Patient V. C. (#000000029102):**

2 On or about March 19, 2002, at approximately 1358 and 1541 hours, Respondent
3 obtained a total dosage of 175 mg. of Demerol for administration to Patient V.C.
4 (#000000029102). Thereafter, Respondent failed to document or record the administration of the
5 medication on the patient's medication administration record, or to otherwise account for the
6 disposition of the medication.

7 b. **Patient A. B. (#0000000643099):**

8 On or about March 19, 2002, at approximately 1344 and 1631 hours, Respondent
9 obtained a total dosage of 150mg. of Demerol for administration to Patient A.B.
10 (#0000000643099) without a physician's order. Thereafter, Respondent failed to document or
11 record the administration of the medication on the patient's medication administration record, or
12 to otherwise account for the disposition of the medication.

13 c. **Patient S. A. (#0000000597606):**

14 On or about March 19, 2002, at approximately 1121 hours, Respondent obtained a
15 100mg. dose of Demerol for administration to Patient S.A. (#0000000597606). Thereafter,
16 Respondent failed to document or record the administration of the medication on the patient's
17 medication administration record, or to otherwise account for the disposition of the medication.

18 d. **Patient M. N. (#0000000694768):**

19 On or about March 19, 2002, at approximately 1848 hours, Respondent obtained a
20 100mg. dose of Demerol for administration to Patient M.N. (#0000000694768) without a
21 physician's order. Thereafter, Respondent failed to document or record the administration of the
22 medication on the patient's medication administration record, or to otherwise account for the
23 disposition of the medication.

24 e. **Patient D. E. (#000000071479):**

25 On or about March 19, 2002, at approximately 1728 and 1607 hours, Respondent
26 obtained a total dosage of 200mg. of Demerol for administration to Patient D.E.
27 (#000000071479). Thereafter, Respondent failed to document or record the administration of the
28 medication on the patient's medication administration record, or to otherwise account for the

1 disposition of the medication.

2 f. **Patient M. R. (#000000034189):**

3 On or about March 19, 2002, at approximately 1252 hours, Respondent obtained a
4 100mg. dose of Demerol for administration to Patient M.R. (#000000034189) without a
5 physician's order. Thereafter, Respondent failed to document or record the administration of the
6 medication on the patient's medication administration record, or to otherwise account for the
7 disposition of the medication.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Illegal Use of Controlled Substance)**

10 12. Respondent's registered nurse license is subject to disciplinary action
11 under sections 2761, subdivision (a) and 2762, subdivision (b) of the Code, in that Respondent
12 has used Demerol and/or other opiates without a prescription and to an extent and in such a
13 manner as to be dangerous to himself, others, or the public and/or to such an extent as to impair
14 his ability to practice safely as a nurse, as more particularly alleged as follows:

15 a. On or about March 19, 2002, while on-duty as a registered nurse at
16 Pomona Valley Hospital Medical Center located in Pomona, California, Respondent used
17 Demerol that he obtained illegally.

18 b. On or about March 19, 2002, Respondent admitted that he had no
19 explanation for the missing Demerol (see Second Cause for Discipline above) and "... apparently
20 I need to get into the diversion program. I started again."

21 c. Respondent has admitted to an extensive opiate addiction.

22 **PRAYER**

23 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing the Board issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 564497 issued to
26 Patrick Paul Baker;

27 2. Ordering Patrick Paul Baker to pay the reasonable costs incurred by the Board in
28 the investigation and enforcement of this case pursuant to section 125.3 of the Code; and,

1 3. Taking such other and further action as deemed necessary and proper.

2 DATED: 3/22/04

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RUTH ANN TERRY, M.P.H., R.N.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant